

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ERICK A. RIVERS,)	
)	Case No. 4:07 CV 0609
Petitioner,)	
)	
v.)	JUDGE ANN ALDRICH
)	
DAVID BOBBY,)	Magistrate Judge James S. Gallas
)	
Respondent.)	<u>MEMORANDUM AND ORDER</u>
)	
)	

On July 23, 2003, Erick Rivers was convicted and sentenced as stipulated in his joint plea agreement for conviction on one count of aggravated robbery with firearm specification, four counts of kidnaping with firearm specification and one count of having a weapon while under disability. Rivers filed the instant petition for habeas corpus relief pursuant to 28 U.S.C. § 2254. [Doc. No. 1]. The petition was referred to Magistrate Judge Gallas for a report and recommendation (“R&R”), which was filed on December 17, 2008. [Doc. No. 12]. Magistrate Judge Gallas recommended that Rivers’ application for habeas corpus be denied.

Neither party has filed an objection to the R&R, waiving further review in this court of the R&R. *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Accordingly, this court adopts the thorough R&R in its entirety, and for the reasons stated therein, dismisses Rivers’ petition.

Because the parties have failed to file objections, they have waived their rights to appellate review. *Miller*, 50 F.3d at 380. Therefore, this order is final, but not appealable.

IT IS SO ORDERED.

/s/ Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: January 20, 2009